

### REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing amendment, Claims 2-32 remain pending in the present application. Claim 1 has been canceled without prejudice or disclaimer. Claims 3, 5 and 6-8 have been placed in independent form, incorporating the limitations of canceled base Claim 1. New dependent Claims 21 and 22 correspond to Claim 11 with Claims 5 and 6 as respective base claims. New Claims 23-32 recite substantially similar subject matter to Claims 2-22. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1 and 2 stand rejected under 35 U.S.C. § 103 as being unpatentable over Yablonovich, et al. (“extreme selectivity lift-off of epitaxial GaAs films”, hereinafter Yablonovich); Claims 3-9 are objected to as being dependent upon a rejected based claim; and Claims 10-20 stand allowed.

Applicants appreciatively acknowledge the identification of allowable subject matter in Claims 3-9, and, allowed subject matter in Claims 10-20.

As Claims 3, 5 and 6-8 have been rewritten in independent form, incorporating all of the limitations of the base claims and any intervening claims, Applicant respectfully submits that pending Claims 2-9 are in condition for allowance. Furthermore, as the amendment to these claims have simply been in a manner of form (to incorporate the limitations of the base claim and intervening claims) it is respectfully submitted that the scope of these claims has not been narrowed.<sup>1</sup>

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<sup>1</sup> This comment is made in view of the recent Festo decision, which may limit the availability of the doctrine of equivalence, for narrowing amendments for patentability reasons.

As Claims 1 and 2 have been canceled, Applicants respectfully submit that the rejection pertaining to these claims outlined in paragraph 3 of the Official Action has been rendered moot.

CONCLUSION

The Examiner believes any additional formal matters need to be addressed in order to place this application in condition for allowance, the Examiner is respectfully requested to contact the undersigned by telephone at the Examiner's convenience.

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application, including Claims 2-32, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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